

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUNN & BLACK, P.S.,

Plaintiff,

-vs-

THE UNITED STATES OF AMERICA; and
ENVIRONMENTAL RECLAMATION, INC., an
Idaho corporation; and JOHN DOE
CORPORATIONS 1-10,

Defendants.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation,
and AMERICAN GUARANTY & LIABILITY
INSURANCE COMPANY, a New York
corporation,

Intervenors.

NO. CV-04-0229-LRS

ORDER OF DISMISSAL FOR LACK
OF SUBJECT MATTER
JURISDICTION AND CLOSING
FILE

On February 25, 2005, this Court entered an order denying Plaintiff Dunn and Black P.S.'s Motion for Summary Judgment; denying Intervenors' Motion for Declaratory Judgment; and finding as moot Intervenors' Alternative Motion for Stay. (Ct. Rec. 78). On March 23, 2005, Plaintiff Dunn and Black filed a Notice of Appeal to the Ninth Circuit Court of Appeals, appealing the Order of February 25, 2005. On September 10, 2007, the Court received a Mandate from the Ninth Circuit Court of Appeals with instructions to dismiss the case for lack of subject matter jurisdiction. (Ct. Rec. 116).

The District Court Executive is **DIRECTED** to file this Order, and provide copies to counsel.

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE